

APR 14 1986

JOSEPH F. SPANIOL, JR.
CLERK

IN THE
Supreme Court of the United States
October Term, 1985

CHARLES A. BOWSHER, Comptroller General of the
United States,

Appellant,

v.

MIKE SYNAR, Member of Congress, et al.,

Appellees.

UNITED STATES SENATE,

Appellant,

v.

MIKE SYNAR, Member of Congress, et al.,

Appellees.

THOMAS P. O'NEILL, Jr., Speaker of the United States
House of Representatives, et al.,

Appellants,

v.

MIKE SYNAR, Member of Congress, et al.,

Appellees.

**On Appeal from the United States District Court
for the District of Columbia**

**MOTION FOR LEAVE TO FILE BRIEF AMICUS
OUT OF TIME**

NEIL H. COGAN
Attorney of Record
Storey Hall #302
Southern Methodist University
School of Law
Dallas, Texas 75275
(214) 692-2579

APR

Nos. 85-1377, 85-1378, 85-1379

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1985

CHARLES A. BOWSHER, COMPTROLLER GENERAL OF
THE UNITED STATES, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.,
APPELLEES

UNITED STATES SENATE, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.,
APPELLEES

THOMAS P. O'NEILL, JR., SPEAKER OF THE
UNITED STATES HOUSE OF REPRESENTATIVES,
ET AL., APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.,
APPELLEES



MOTION FOR LEAVE TO FILE

AMICUS CURIAE

OUT OF TIME

Please note that on April 15, 1986,
the undersigned will move for an order
granting the American Jewish Congress leave
to file its brief amicus curiae out-of-
time for the reasons stated in the attached
affidavit.

Respectfully submitted



Marc D. Stern
American Jewish Congress
15 East 84th Street
New York, New York 10028
(212) 879-4500

Nos. 85-1377, 85-1378, 85-1379

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APPELLEES

AFFIDAVIT

ss: STATE OF NEW YORK
COUNTY OF NEW YORK

Marc D. Stern, a member of the Bar of this Court, being properly sworn, deposes and says:

1. I submit this affidavit in support of the motion of the American Jewish Congress, ("AJCongress") for leave to file its brief amicus curiae out-of-time in the above-captioned case.
2. When this Court announced on February 24, 1986, 54 U.S.L.W. 3561 (1986), that it would hear the appeals in these cases, the undersigned contacted AJCongress' Washington office and directed it to find out from counsel for Synar what the briefing schedule would be.

3. In reply, I received the attached memorandum, noting only an April 9th filing date. Furthermore, none of the letters consenting to the filing of the brief amicus, nor indeed, the Court's order of February 24th, made a reference to the fact that the agreed upon briefing schedule required service by any specific time on April 9th.

4. In accordance with my usual practice, and in reliance on Rule 28.2 of this Court, I instructed my printer, Bar Press, Inc., to mail the brief to the Court and the parties. But for the unusual provisions of

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Court's scheduling order, the brief would
have been filed in timely fashion.



Marc D. Stern

SWORN TO BEFORE ME
THIS 11th DAY OF APRIL 1986


Ronald A. Krimiss
NOTARY PUBLIC

RONALD A. KRIMISS
Notary Public, State of New York
Reg. No. 101
Oneida County
Commissioned April 23, 1987

BEST AVAILABLE COPY

